

**ZB# 03-10**

**M & Y Builders**

**55-1-77.1**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 6-2-03*  
(See 03-29)

03-10  
M+Y Builders Inc.  
22 E. GREEN RD  
ARE A  
65-1-77.12

## APPLICATION FEE (DUE AT TIME OF FILLING OF APPLICATION)

FILE # 03-10 TYPE: AREA ☒ USE \_\_\_\_\_APPLICANT: M & Y BuildersP.O. Box 995Monsey, NY 10952TELE: Cell 646-772-9726RESIDENTIAL: \$ 50.00 CHECK # 7716COMMERCIAL: \$150.00 CHECK # \_\_\_\_\_INTERPRETATION: \$150.00 CHECK # \_\_\_\_\_ESCROW: \$500.00 CHECK # 7717  
300.00DISBURSEMENTS:

	MINUTES \$4.50 PER PAGE	ATTORNEY FEES \$35.00 / MEETING
PRELIM..... <u>3/10</u>	\$ <u>18.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIM.....	_____	_____
3 <sup>RD</sup> PRELIM.....	_____	_____
PUB HEARING... <u>4/14/03 (P)</u>	<u>81.00</u>	<u>35.00</u>
PUB HEARING (CON'T)...	_____	_____
TOTAL	\$ <u><u>99.00</u></u>	\$ <u><u>70.00</u></u>

OTHER CHARGES:..... \$ \_\_\_\_\_

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ESCROW POSTED: \$ 300.00  
AMOUNT DUE: \$ \_\_\_\_\_  
REFUND DUE: \$ 131.00

COMMERCIAL: \$150.00 CHECK # \_\_\_\_\_  
 INTERPRETATION: \$150.00 CHECK # \_\_\_\_\_  
 ESCROW: \$500.00 CHECK # 7717  
           300.00

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2 <sup>ND</sup> PRELIM.....	_____	_____
3 <sup>RD</sup> PRELIM.....	_____	_____
PUB HEARING... <u>4/14/05</u> (P).....	<u>81.00</u>	<u>35.00</u>
PUB HEARING (CONT)...	_____	_____
 TOTAL	\$ <u>99.00</u>	\$ <u>70.00</u>

OTHER CHARGES:..... \$ \_\_\_\_\_

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ESCROW POSTED: \$ 300.00  
 AMOUNT DUE: \$ \_\_\_\_\_  
 REFUND DUE: \$ 131.00

*Preliminary 3/10*

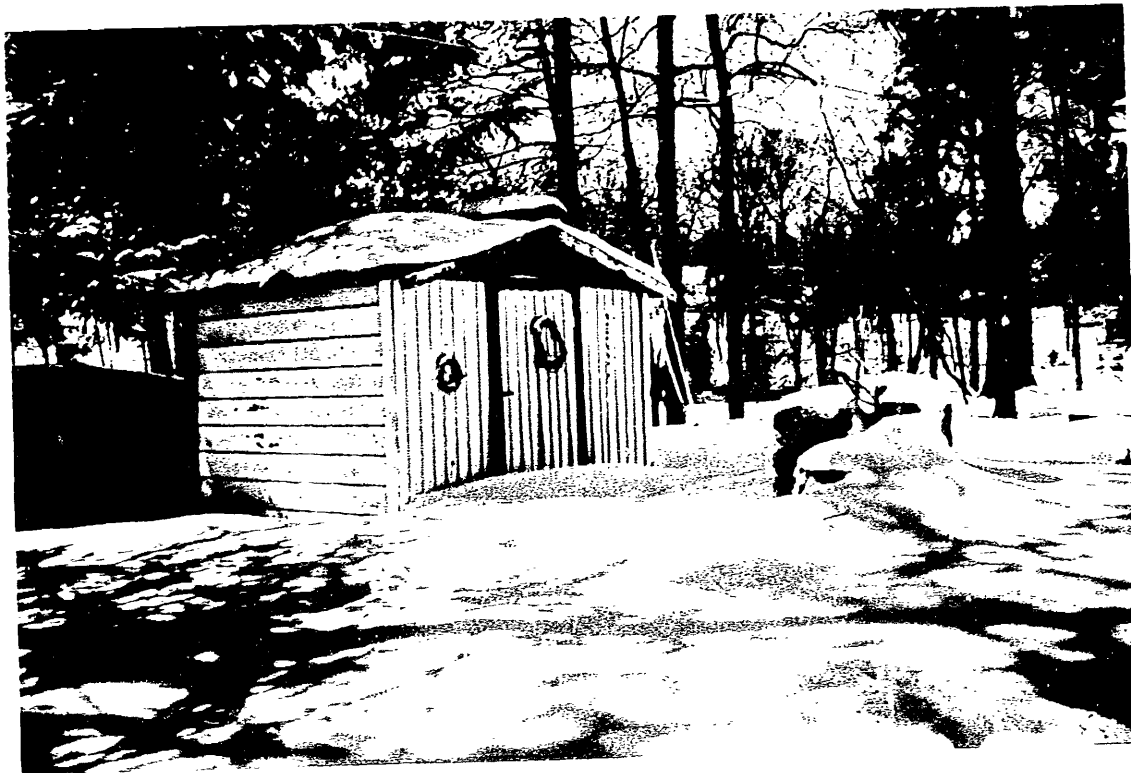


Yago

**MB BUILDERS, INC.**  
*Custom Built*  
**HOMES**

P.O. Box 995  
 Monsey, NY 10952

Cell: 646-772-9726  
 Fax: 845-425-7347



4001 W 22 E. GREEN RD

ARE A



In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**M & Y BUILDERS, INC.**

**AREA**

CASE #03-10 + 03-29

**WHEREAS, M & Y Builders, Inc.**, owners of 22 East Green Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an request for 62,281 square feet minimum lot area; 91 feet minimum lot width; 11 feet and 18 feet required side yard setback; 38 feet required rear yard setback; 2% developmental coverage to remove existing mobile home and construct a two story house in an R-1 zone; and

**WHEREAS**, a public hearing was held on the April 14th, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant, represented by Frank Cobb, Esq. and Mr. Grossman, an office of the corporation and Mr. Nelson Pierre, P.E. appeared on behalf of this Application; and

**WHEREAS**, there were three spectators appearing at the public hearing; and

**WHEREAS**, there were three spectators who spoke in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The lots in the area are substandard sized lots because the area was originally built as a summer/bungalow community.

- (c) The properties surrounding the instance property are owned by persons other than the applicant and are not available to the applicant for purchase.
- (d) The applicant proposes to remove an existing mobile home on the premises on the property and replace it with a proposed residential building.
- (e) The property which is the subject of this application borders on a lake.
- (f) All the lots on the lake front, other than this property, appear to be approximately the same size as this property.
- (g) The rear yard of the proposed premises is directly contiguous to the lake and is smaller in size than currently required by the Town of New Windsor Zoning Code.
- (h) The applicant presented plans for the proposed residence to be constructed on the premises and it is on the basis of construction of this building that the variance application has been considered.
- (i) In order to construct the premises, it will not be necessary for the applicant to remove any substantial trees or vegetation.
- (j) The propsoed structure has the capacity for a fourth bedroom.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.



5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances provided that the applicant places on the premises a home no larger than the home described in the application and a home which does not have the capacity to accommodate more than three bedrooms. In the plan presented to the Board, one area on the second floor was identified as "Study" and had a closet. This is unacceptable, since that room could easily be converted into a fourth bedroom. The applicant must submit plans to the Building Inspector which do not have the capacity for a closet in such a room or have a space which would be able to be made into a fourth bedroom.

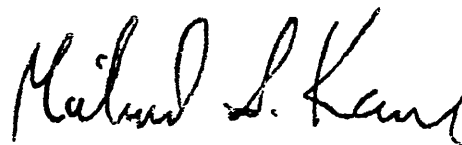
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 62,281 square feet minimum lot area; 91 feet minimum lot width; 11 feet and 18 feet required side yard setback; 38 feet required rear yard setback; 2% developmental coverage to remove existing mobile home and construct a two story house in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 2, 2003



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Chairman

M & Y BUILDERS, INC (#03-10)

MR. KANE: Request for 62,281 sq. ft. minimum lot area, 91 ft. minimum lot width, 11 ft. & 18 ft. required side yard setback, 38 ft. required rear yard setback, 2% developmental coverage to remove existing mobile home and construct a two story house on East Green Road in an R-1 zone. Mr. Reis is going to come around for anybody that wants to speak in this portion of the public hearing, just write your name and address on the sheet. I gather the rest of you are here for this?

FRANK COBB, ESQ.: Mr. Chairman and members of the board, my name is Frank Cobb, I was here at the preliminary meeting and representing the applicant. One of the questions that was raised at the preliminary meeting is a question about what house was going to be built so I'd like to at least give you each a copy of the proposed plan. Someone thought if we put a raised ranch up we might come back later and ask for another variance but this is not a raised ranch and we do not intend to come back. And I'm going to leave one for Mr. Reiss, if I may. I'm going to give a very short presentation, I have my client here, one of the officers, Mr. Grossman, and the engineer's here, but what I'd like to do, Nelson Pierre has prepared and I didn't want him to waste his work, so if I may, this shows the lot in question. I don't know where you want it, whether you want to hang it up or leave it here but if you want to look at it.

MR. BABCOCK: Mike, do you have a map? Would you like to look at one?

MR. KANE: Yeah, you got one?

MR. MC DONALD: Here, we're done with it.

MR. COBB: Mr. Chairman and gentlemen, I just want to review, this is an existing lot that has a trailer built on it. At the time the trailer was built, the zoning requirements were substantially less than now. My client bought the property, we'd like to demolish the trailer and put up a one-family house. Now, the variances are required primarily because we have a lot

that's a little over 17 1/2 thousand square feet and that's the existing lot. Under your current zoning, if we wanted to buy a lot and build in this zone we'd have to have 80,000 square feet but we only have 17,790 square feet. The same thing with the minimum width, which is 175 feet, we have an existing lot which only has 84, there's nothing we can do about that. Again, the required side yard in a total side yard don't have to do primarily with the bulk of the lot but the shape of the lot and to put a house on it under your current zoning, it's just impossible to conform to the side yard and the combined side yard we have the same thing with the rear yard. Now the frontage again we need the variance but we really can't do much about it, we have an existing lot with the existing frontage. All right, the minimum floor area, we didn't need anything. Development coverage, again, we're over by permitted is 20 and we have 22, we're over by 2 percent. Again, all it is is primarily due to constructing a house, a house that can be sold at a reasonable profit. If we had to conform to zoning, it would be impossible to really build any house. I do want to point out if I may that in your literature that's submitted when applications are made before the board, the statute, the Town Law recites five things to consider, I'm not going to go through all five things, I'm just going to suggest to you that I believe this application meets all the criteria and the primary criteria. The first thing that's mentioned in the Town Law is that an application before the Zoning Board of Appeals that the benefit to the applicant should be considered as opposed to any real detriment to the community. I think in this case, we have an existing lot with a trailer on it, we want to improve the neighborhood, I think we meet those requirements and if there's any questions, the engineer is here and the architect.

MR. KANE: The shaded-in area is this blacktop?

MR. BABCOCK: It's a gravel drive.

MR. KANE: It's going to be gravel all the way up and stay that way?

MR. BABCOCK: Yes.

MR. KANE: Is that part of the developmental coverage?

MR. BABCOCK: No.

MR. KANE: How many square feet as far as the house?

MR. COBB: Mr. Grossman, why don't you come up, this is an officer of the corporation, Mr. Grossman.

MR. KANE: I looked and just didn't see total square feet on the house.

MR. GROSSMAN: Approximately, 2,500 square feet.

MR. KANE: Thank you. So it's not an overly big home?

MR. GROSSMAN: No.

MR. KRIEGER: Would it be similar in size and appearance to other homes in the neighborhood?

MR. GROSSMAN: That's correct.

MR. KRIEGER: If I interpret the map correctly, all the property surrounding this parcel is in common ownership, it's all owned by the same person except this, is that correct?

MR. COBB: Well, this is the only property we own.

MR. KRIEGER: All the property around it is owned by somebody else?

MR. COBB: That's correct so we do not have an opportunity to purchase any additional property.

MR. KANE: Gentlemen, at this point, I want to open it up to the public or do you have any questions right now? At this point, I'll open it up to the public. If want to, if you have any questions, you have something to say, please speak up, state your name and your address and speak clearly.

MR. BRACCO: Mike Bracco, my address is 3 West Green

Road, it's my mailing address. I'm the lake front bordering their rear yard, essentially. If you don't mind, I'm going to read it because I have a mass of information on this. As owner of the lake bordering the rear of lot 5351-77.1, I object to the proposed variance request of M & Y Builders for the following reasons. Number 1, rear setback amount at 12 foot proposed setback, it's only 24 percent or less than one quarter of the required 50 foot setback, this is not acceptable to me. Furthermore, it's since the setback is from a lake frontage, it's directly in line of sight of all lake bordered properties, crowding the structure 12 feet from the shoreline would diminish the property value and the values of our property owners abutting the lake as well whether or not they directly adjoin 155177.1. Finally point source contamination of the lake due to construction methods, materials used for the structure and lateral effluent discharge would have to be clearly and extensively addressed if the proposed 12 foot setback request is granted. I, the lake owner would strongly suggest the Town of New Windsor consult with the DEC before granting such a variance. Number 2, minimum lot area, the site is only 17,719 square feet, this is 22 percent or a little over 1/5 of the required 80,000 square foot lot size. Again, such crowding would diminish property values of myself and others abutting the lake. Incidentally, to refute something that he said, the houses in the region from the plans that I saw at the building department this would not be equivalent to the houses in the region.

MR. KANE: What sizes are the houses?

MR. KENARY: They're approximately that size or they're, most of them start out about 1,000 square feet, my grandfather built them all.

MR. KANE: But they're considerably older?

MR. KENARY: Yes, for the most part. One burnt down and was replaced but for the most part, they're on East Green Road, there's only one house that's been built recently.

MR. MC DONALD: That two story one that we're looking

at in the pictures because I see a two story one?

MR. BABCOCK: Down towards 207.

MR. KENARY: Right. If there's been new plans submitted tonight, I can't respond directly to those cause I haven't seen them yet.

MR. KANE: Can you show me because I don't see it at all? Can you show me where the lake is on this cause I don't see it on here?

MR. BABCOCK: Right here, see this line, that's the water edge so he's really not even 12 foot from the water edge.

MR. KENARY: I haven't seen the new deed cause it's not on public file yet, at least my information old deeds always say to the high water mark and it gave direction and bearings and so forth saying that at or approximately but it's to the high water mark.

MR. BABCOCK: Mr. Chairman, when I visited the site, there's a mobile home on the site, I'm not sure but I would say that it's probably the same distance, right now, the mobile home.

MR. KENARY: I would say it's further back than the proposed 12 feet.

MR. PIERRE: My name is Nelson Pierre, I'm the engineer and essentially, the new house will be replacing the mobile home facing the lake, it will be about the same line, build line.

MR. KANE: Same building line as where the mobile home is right now?

MR. BABCOCK: The mobile home is close to the lake also.

MR. KANE: Thank you.

MR. KENARY: I have more.

MR. KRIEGER: So this is, before you leave that point, this is the building lot in a row of building lots of approximately the same size, is that correct what the map tells me?

MR. KENARY: The building lots, yes.

MR. KANE: All the lots on the lake front or all are approximately the same size?

MR. KENARY: Yes.

MR. KANE: According to the map they appear to be that way.

MR. KENARY: In fact, I was going to finish, while there's some properties with structures already bordering the lake, they greatly predate the current zoning, most of them were done in the '50s. Number 3, minimum lot width, the 84 foot sight is only 48 percent or less than half of the required 175 foot width and this would result in crowding diminished property values as previously described. Since I'm the lake owner, I can't necessarily say what putting wells on top of septic tanks on top of wells would do since that doesn't directly affect me for a well or septic system get to the lake part but when my grandfather built these, some of these other houses and they were on such a small lot, we certainly didn't know as much as we do now about placement distances and stuff like that, plus I might also add this, a lot of the original buildings were built as summer cottages, some were never even completely closed in, a lot of different things so that these are, other houses are already there, that doesn't mean that on such small size lots, doesn't mean that you should keep doing it.

MR. KANE: So in essence are you against any building on any of those lots that are there? Because as they need to be changed over, they'll probably all need some kind of a variance one way or the other.

MR. KENARY: There's not many left to do that on there, there's essentially, actually, this is the only lot it could be done on on that side of the lake.

MR. KANE: Some of the other homes were older from the '50s.

MR. KENARY: Right.

MR. KANE: Are they individually owned at this point?

MR. KENARY: Yes.

MR. KANE: So at some point those homes may need to be changed and then once they change, would they need variances, Mike?

MR. BABCOCK: If they went any bigger than the footprint that's there now.

MR. KANE: As long as they stay with the same footprint.

MR. BABCOCK: If one of the houses burnt down, they can build the exact same house. If they wanted to build a bigger house, they'd be here for all the, practically all the same variances.

MR. KENARY: Point number four, septic system, proposed structure is three bedrooms, but the septic system on site approved in 1972 according to records is for a two bedroom structure capacity. The site map for the proposal does not seem to indicate whatever change is necessary to meet present codes. Without this information, I cannot evaluate the impact on my property and therefore cannot endorse the proposed structure. Number 5, removal of the existing trailer on the site is acceptable, especially since it's in existence to the best of my knowledge and information in violation of the Town of New Windsor building codes and hence illegal. Do you want to ask why?

MR. KANE: Present whatever you're going to present.

MR. KENARY: This all applies to SBL-55177.1, as I note otherwise, information about trailer number one application for installation of septic system was made in September of '72 and approved in November of '72.



Number 2, from the tax rolls, there's no mention of a trailer at this site until 1972. Number 3, the center line survey of East Green Road used for dedication of the road to the Town of New Windsor dated August of 1965 shows no building structure on the site, trailer or otherwise. Number 4, my personal recollection is that there's no trailer on the site while I was growing up in the '60s but I cannot put a definite date on the installation, however, the older family members can. My brother says it was at least after 1968, my sister says on or about 1972. Another response to Hill & Dale Abstract dated October 14, 1986 in the building file refers to a house structure on 55177.2. Back then, it was listed as 55-177 and this does not represent any structure on 55-1-77.1. This letter on file in the building department was under the file of 55-1-77.1 and maybe a course of confusion as to the installation date of the trailer. From a recent conversation with one of the New Windsor town building inspectors, I was informed that if the trailer was installed before 1966, there would be no C.O., but if it was after 1966, it would have to adhere to adopted building codes and have a C.O. There's no C.O. on file that I could find and no evidence of installation prior to 1972. If this is so, the trailer would be in violation, I was told by the building inspector to present my findings at this public hearing.

MR. KANE: Okay.

MR. KENARY: Thank you.

MR. KANE: Anybody else?

MR. KENARY: And I have maps.

MR. KANE: Anybody else like to speak?

MR. KERRAHAN: Bob Kerrahan, I'm a neighbor of his.

MR. KANE: You're in agreement with this gentleman?

MR. KERRAHAN: Yes, totally with everything.

MR. BRACCO: My name is Michael Bracco, I live at 7

East Green Road, I believe my house is the photograph that you mentioned, the two story home. My concern was the pond, building around the pond and my other concern was the septic system because there's a very low water table there and I had to drill very deep into the ground to get water and I had to build a very large septic or leach field system with an expansion for that. And my concern was if the septic system, there was problem with it, I know there's existing ones there, I know my neighbor has a dug well, means that the well is very close to the ground, that it's prone to flooding in that area and I wouldn't want to have a problem with my well becoming contaminated or any area when the ground is disturbed and they dig, there's a problem with the pond cause it's a beautiful pond and/or lake and that's my concern, basically. Building a house has to be done, but I just don't want to have any problem later on down the road with something being in the water, you know, that's the whole thing that my concern is the pond and the septic system.

MR. KANE: Thank you. Anybody else? We'll close the public portion of the hearing. How many mailings did we send out?

MS. MASON: On March 18, we mailed out 18 addressed envelopes.

MR. KANE: Any responses in the mail?

MS. MASON: No.

MR. KANE: Gentlemen, back to the board. Questions?

MR. RIVERA: Were there any environmental impact studies conducted?

MR. COBB: Well, can I respond to the--

MR. KANE: Please do.

MR. COBB: The public hearing's over. First of all, to answer your question probably not because this is the type of application that under SEQRA would not require, it's an unlisted type of SEQRA, which means it would

not require a SEQRA determination. However, just I think the only real question that's been raised that might affect SEQRA is the septic systems. I believe that if in fact the variances are granted, we still have to go to the building department to get a building permit and the building department would require whatever's necessary to ensure that whatever is required for the septic system is done, otherwise, they will not give a permit or C.O. So that would be the only issue that's raised in respect to SEQRA. And normally, this type of both bulk variance application does not require SEQRA determination, I do want to point out. I can understand the gentleman who's lived here probably all his life, there's a pond that they'd like to keep. This property, one of the reasons my client purchased the property is because it fronts or backs on the pond, it's an attraction, it's something that we like, it's something that we're going to certainly not harm. The only other point I'd like to make is when you talk about a rear yard, the rear yard to a pond, even though the pond is there, it's not as if we're talking about a rear yard to a structure, we're interfering with someone's light or air or we're too close to their house, so I believe that everything that the gentleman said is something that he's entitled to talk about, he lived here all his life, he'd like to keep the area as best he can, but then on the other hand, we have a lot that I believe we're entitled to build a house on and have a, as long as it's a reasonable size house, and we're replacing the trailer I believe, although I don't have personal knowledge, I have to look through my file, but when we purchased this property, it's my recollection there was a building permit and a C.O. for the trailer, but I can't guarantee it because I haven't looked at the file but whether it's a legal or illegal trailer, we're going to remove it and we want to replace it with something we think will benefit the neighborhood. So in response to the gentleman, I know how he feels, I lived in a community in Rockland County, brought up and born in Rockland County and things change and we'd like to keep it the same but I don't think we're harming the neighborhood by taking a trailer out and putting a house.

MR. RIVERA: Thank you.

MR. KANE: Mike?

MR. REIS: Is it a fact I've heard different interpretations, is it a fact that the proposed building is going to be the same footprint as the existing trailer or is it going to be larger?

MR. BABCOCK: Larger. The rear yard they're saying is approximately the same, going to be the same as where the mobile home is, other than that, the mobile home is probably a 12 x 60, I'm guessing.

MR. GROSSMAN: It's approximately 12 x 60 and as far as the back of the property is concerned, we're not going any deeper than the trailer is currently, but it's practically impossible to put up a house 12 x 60 so we just brought the house a little more up front.

MR. REIS: What's the footprint of the house, sir?

MR. GROSSMAN: The footprint is right on top of the trailer, the existing trailer right now, plus a little bit more to the front.

MR. REIS: Plus 10 feet.

MR. GROSSMAN: Ten foot towards the front.

MR. REIS: Thank you. The septic is in the front.

MR. GROSSMAN: Another issue I wanted to bring up, the current trailer that's there now is approximately 10, 12 x 60, but there's an additional extension added on to the room in the front coming out another 12 to 13 feet, then there's another entranceway with a porch on the right side of the trailer coming out an additional 12 feet. So technically, the house is going to be approximately on the existing footprint which is right now we're just demolishing what's there, question of 3, 4 or 5 feet but we're taking down a 40 year old trailer with additions added on from all sides with a beautiful 2 1/2 thousand square feet structure. We tried to keep it to the minimum, these days the average person is not

going to touch a house less than about 2 1/2 thousand square feet. We made it a colonial so we shouldn't have to take too much property, it should be a little higher so the footage will be in the structure rather than going more onto the property. So we tried to keep it to the bare minimum of what was currently there with the trailer and the extensions that were there currently. So basically it's on the footprint of what's there right now.

MR. KANE: Thank you.

MR. PIERRE: If I may add, there's no brand new septic system proposed, an existing system serving approximately three bedrooms in the trailer we're proposing a three bedroom house, so that the, we expect the existing system to service the house. There's no new well so that we expect minimum disturbance to the existing property, except what's required for the footprint of the building.

MR. KANE: But you feel the existing--you're going to put in a new septic?

MR. PIERRE: No, no new system proposed.

MR. KANE: You feel the existing septic system is enough to handle this home at this point?

MR. PIERRE: Yes.

MR. KANE: Mike, do we have any information? That's my concern.

MR. BABCOCK: We're going to talk about that at the building permit, you bringing it up, the sewer permit that was issued is for a two bedroom, he's the engineer, he will have to certify that and he will have to test it and certify it and apparently, he's done that and he's telling us that it is sufficient for this house which he will have to tell us that to get this permit.

MR. GROSSMAN: I'd like to verify one thing is that although the septic is approved for two bedrooms and

the trailer is two bedrooms, there's an additional bedroom to the front so technically that septic is servicing a three bedroom structure.

MR. KANE: In your knowledge, has there ever been any problem with the septic on this property with overflowing or with, you know, I've heard stories about a little bit of flooding, has there been any problems with the septic in past history with this property?

MR. COBB: We don't know of any but you've got to remember we just purchased the property, so I don't want to make a representation.

MR. KANE: From what you know?

MR. GROSSMAN: I had spoken to the owner of the property, the father lives across the street and his word was it runs as good as new, that was his word as far as the septic is concerned, he says never had a problem with the septic and he should have no problem, the rest I left up to the engineer.

MR. PIERRE: We haven't performed any tests on the system but from my understanding, my investigation there have not been any reported problems of the system.

MR. KANE: Thank you.

MR. REIS: Can you tell us whether the trailer has been occupied or is it still occupied?

MR. GROSSMAN: It was occupied until a couple months ago, as far as I know, as far as when I purchased it, the man told me that the owner of the property that they had had moved out probably a few months prior to that and he didn't want to re-rent it because he wanted to sell the property, that's according to what the owner told me, that's all I can say.

MR. KANE: In the building of the home, are you going to be cutting down anymore trees in that specific area to clear?

MR. GROSSMAN: Clearing is all there.

MR. REIS: Does your plan call for a three bedroom plus a den?

MR. GROSSMAN: It has three bedroom and a study.

MR. MC DONALD: That study could be very easily used as a fourth bedroom though, couldn't it?

MR. GROSSMAN: It's possible but we didn't supply a bathroom technically for that extra.

MR. MC DONALD: There's one right outside the door there. You have a different one that I'm looking at?

MR. KANE: Technically you can put any name you want on them.

MR. MC DONALD: It could be a fourth bedroom.

MR. GROSSMAN: Well, we have no room downstairs to make a study, so we suggested, and the way the square footage of the house went, there was room to make a room there, so we just figured you can make a den or you can make a study or playground or playroom or something and if you want, we could whoever purchases this property, we can specify that it's sold as a three bedroom and it should not be used as a four bedroom.

MR. BABCOCK: Maybe to answer your question on the study or Mr. McDonald's question on the study, at the building department stage, I have just seen these plans now, with a study that has a closet, we're going to consider that as a bedroom. So they're either going to have to remove that or they're going to have to upgrade the septic system or have their engineer certify that it can handle a four bedroom house.

MR. KANE: Fair enough.

MR. MC DONALD: Cause there's a closet.

MR. GROSSMAN: What are you saying, remove the closet?

MR. BABCOCK: Yeah, if there's a study, if it's got a closet. We're going to consider that.

MR. GROSSMAN: Okay, although I have one study, I have three closets.

MR. BABCOCK: Well, in the septic system area, if this was in a sewer area, we wouldn't be considering it.

MR. GROSSMAN: I have no problem with that eliminating the closets, no problem.

MR. COBB: Mr. Chairman, if the board were to grant this variance, we would certainly accept any reasonable conditions, one, if it's one about either removing the closet and certifying to the building department that the septic system will qualify for this house, whether it has an additional study or not, but I believe just so there's no misunderstanding we're not trying to do something that's not going to be known about so that any conditions that the board feels are reasonable we would accept.

MR. KANE: Thank you.

MR. REIS: Do you own the property or subject to?

MR. GROSSMAN: Yes, we own the property.

MR. REIS: I'd like to make a suggestion or a recommendation off the record.

(Discussion was held off the record)

MR. BABCOCK: I think the square footage and I think they were guessing, they didn't really have the figures, but the plans that they gave me the square footage shows 1,848 square foot for this house.

MR. KANE: So it's not that big.

MR. BABCOCK: When you asked the applicant what the square footage was they said it's around 2,500.



MR. KANE: It's 18 which is significantly smaller.

MR. MC DONALD: I was wondering where the 26 came from.

MR. BABCOCK: On the front, Mr. Chairman, in the little box bulk requirements there 1,848 square foot is what the house is.

MR. KANE: Proposed, okay.

MR. REIS: This is a step in the right direction.

MR. GROSSMAN: Okay, so you can realize we did try to keep it really on the footprint of what's currently there now.

MR. KANE: As was pointed out, if the variance is granted to you, it doesn't relieve you of any obligations to the DEC or any other.

MR. GROSSMAN: Correct.

MR. COBB: We understand that.

MR. KANE: Gentlemen?

MR. REIS: Is it within our power to make a recommendation that it should be accommodating a three bedroom home maximum, not this particular layout where you have a potential of a fourth being used as a fourth?

MR. KRIEGER: Yes, yes, that is a restriction.

MR. KANE: Yes, that can be put in.

MR. MC DONALD: Can that be put in as a restriction?

MR. KANE: Yes.

MR. PIERRE: Mr. Chairman, if it's possible, the closets can be removed by enlarging the bedroom, the bathroom that's adjacent to it that would strike out the possibility of having a closet by just drawing the line across and enlarging the bathroom, actually the

laundry room.

MR. KANE: Yes, Mike, you can add that stipulation if you want to.

MR. COBB: If the board so requests, we would agree to enclose that area.

MR. REIS: Accept a motion?

MR. KANE: Gentlemen, you all set any? Further questions?

MR. MC DONALD: No.

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we grant M & Y Builders, Inc. their request for their lot area, their lot width, their required rear and side yard setbacks and the developmental coverage with the proviso that the maximum potential bedrooms would be three bedrooms which would necessitate the change of the plan that you have. That say it all?

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

MR. KANE: So you're going to have to address that, keep it to the three bedroom, address that one thing and address the septic with Mike.

MR. COBB: I'm not quite sure if when, who do we have to convince that that other room won't be used as a bedroom?

MR. BABCOCK: You're going to change the plans so you only have three rooms there.

MR. COBB: We can't put the line across which would eliminate the closet?

MR. BABCOCK: No, if you're going to have three bedrooms, right, Mike?

MR. REIS: We want to eliminate the potential, you can be an honest person, but the next person that's going to buy it is going to create a fourth bedroom possibly and we want to eliminate that possibility.

MR. COBB: All right, so the variance is granted provided that the house plan that's submitted for the building permit will only show three bedrooms?

MR. MC DONALD: Right, I think he suggested we go with the laundry room a little bit bigger, that would eliminate the closet.

MR. REIS: You're redesigning the house, going to make a three bedroom home with no further potential.

MR. COBB: We don't want to take up your time, we appreciate it, we're going to have to see how we're going to move around the plan. If not, we're going, we may have to come back but not tonight.

MR. KANE: Thank you. Motion to adjourn?

MR. REIS: So moved.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MC DONALD	AYE

TOWN OF NEW WINDSOR ZONING BOARD  
PUBLIC HEARING FOR:

M & Y Builders

DATE: April 14, 2003

SIGN-IN SHEET

	NAME	ADDRESS
1.	Michael Kenary	7 East Green Rd Rock Tavern NY
2.	Michael Bracco	3 West Green Rd " " "
3.	Bob Kenworthy	26 East Green Rd
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18 --- sq ft

silt fence

New Well

Is Actually - on bedding Plans  
2,712

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: January 22, 2003

APPLICANT: Brian Peterson  
22 E. Green Rd  
Rock Tavern, NY

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: January 13, 2003

FOR : Proposed One Family House

LOCATED AT: 22 E. Green Road

ZONE: R-1     Sec/Blk/ Lot: 55-1-77.1

DESCRIPTION OF EXISTING SITE: SBL 55-1-77.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Removal of existing mobile home and replacement of new 2 story house will not meet minimum rear yard set back, minimum lot area, minimum lot width, minimum side yard and minimum developmental coverage.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1      USE: Bulk Tables

MIN LOT AREA:    C-5   80,000

17,719 Sq Ft

62,281 Sq Ft

MIN LOT WIDTH:   D-5   175'

84'

91'

REQ'D FRONT YD:

REQ'D SIDE YD:    F-5   40'/80'

29'/62'

11'/18'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:    G-5   50'

12'

38'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

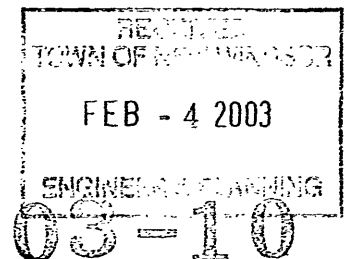
MIN LIVABLE AREA:

DEV COVERAGE:    L-5   20%

22%

2%

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected.

RECEIVED

JAN 13 2003

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises BRIAN PETERSON

Address 22 E. GREEN RD. Phone # \_\_\_\_\_

Mailing Address POB 42, LIBERTY, SC 29657 Fax # 425-7347 YAGO

Name of Architect AD DESIGN

Address 55 UNION ST. - Spring Valley 10933 Phone 352-PLAN

Name of Contractor MAY BUILDERS INC.



Address Box 995, Monsey, NY 10952 Phone 646-772-9726

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer. Yakov B. Schmidt YAKOV B. SCHMIDT  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 55 Block 1 Lot 77.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

## ZONING BOARD

10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

\_\_\_\_\_  
date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

**Building Inspector: Michael L. Babcock**  
**Asst. Inspectors: Frank Liel & Louis Krychear**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4685 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

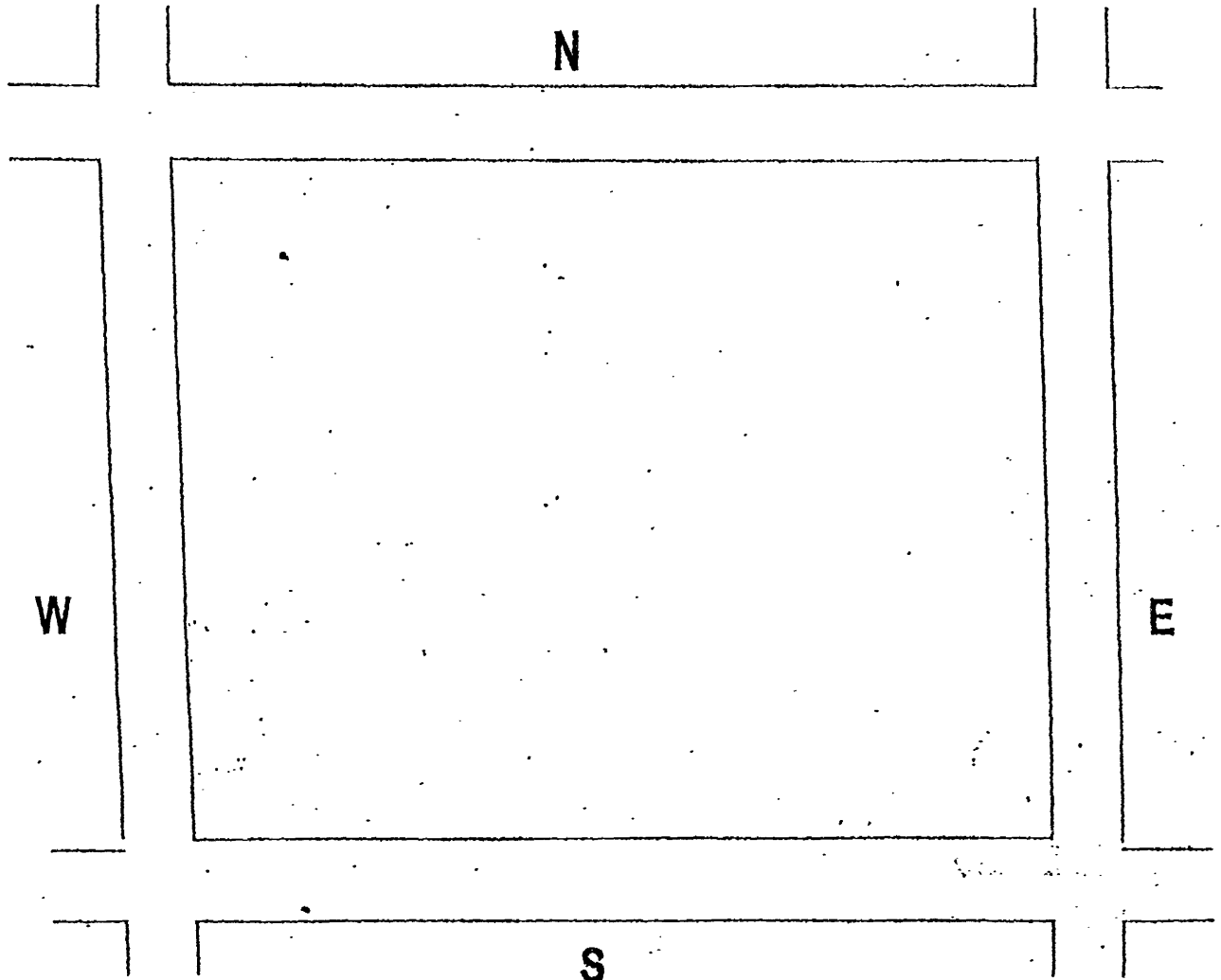
\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Address of Applicant)

(Owner's Address)

**PLOT PLAN**

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



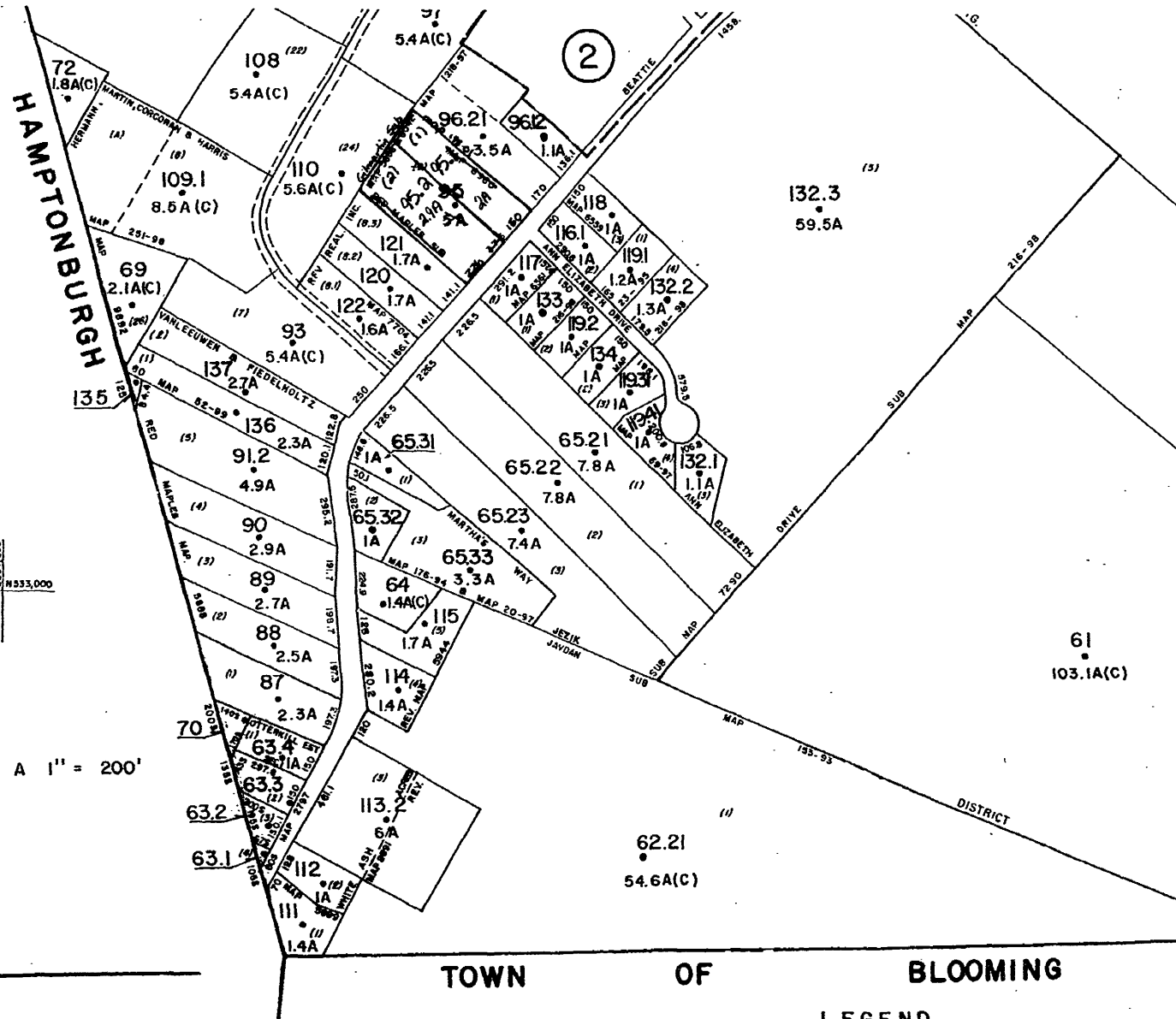
INSERT A  
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N 534,000

TOWN OF  
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N 533,000

INSERT A 1" = 200'

INSERT A  
E 338,000  
N 526,000



Prepared by

ORANGE CO. TAX MAP DEPT.  
MAIN ST., GOSHEN, N. Y. 10924  
1989  
FOR TAX PURPOSES ONLY

NOT TO BE USED FOR CONVEYANCE

# LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREAS (Deed) 11.1A, (Calculated) 11.6A(C)
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) as (Scaled) 755
PROPERTY LINE	GRID COORDINATE CENTROID	



RESULTS OF Z.B.A. MEETING OF:

April 1, 2003

PROJECT: Mey Builders

ZBA # 03-10

P.B.#



USE VARIANCE: NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED:

M) Reis S) Riv VOTE: A 4 N 0

RIVERA A  
MC DONALD A  
REIS A  
KANE A  
~~TORLEY~~

CARRIED: Y ☒ N \_\_\_\_\_

Michael Bracco - Opposed

Limited to 3 bedrooms Maximum



RESULTS OF Z.B.A. MEETING OF: March 10, 2009

PROJECT: M & Y Builders

ZBA # 03-10

P.B.#



USE VARIANCE: NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

RIVERA

MCDONALD

REIS

KANE

TORLEY

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) R S) K

VOTE: A 4 NO \_\_\_\_\_

RIVERA

~~MCDONALD~~

REIS

KANE

TORLEY

A

A

A

A

A

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_.

RIVERA

MC DONALD

REIS

KANE

TORLEY

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_.

Details of size of house required (if deck - show now)  
total square foot.

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

M & Y BUILDERS.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#03-10

\_\_\_\_\_ X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 18<sup>TH</sup> day of **MARCH**, 2003, I compared the 18 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

18<sup>th</sup> day of March, 2003

[Signature]  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 03-10**

**Request of M & Y BUILDERS**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for :** 62,281 sq. ft minimum lot area  
91 ft. minimum lot width  
11 ft. & 18 ft. required side yard setback  
38 ft. required rear yard setback  
2% Developmental Coverage

**To remove existing mobile home and construct a 2-story house.**

**being a VARIANCE of Section 48-12 Bulk Tables for R-1 Zone**

**for property located at: 22 EAST GREEN ROAD**

**known and designated as tax map Section 55 Block 1 Lot 77.1**

**PUBLIC HEARING will take place on APRIL 14TH, 2003**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Chairman**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

March 12, 2003

M&Y Builders, Inc. (Yago)  
P.O. Box 995  
Monsey, NY 10952

Re: 55-1-77.1

Dear Sir:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property. Please be advised that the Town of Hamptonburgh is also within five hundred (500) feet of the referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley  
Sole Assessor

JTW/jjl  
Attachments

CC: Myra Mason, ZBA

55-1-2  
Rick-Lynn Enterprises Inc.  
One South Street  
Washingtonville, NY 10992

55-1-17  
Carla M. Di Donato & James C. Sansone  
673 Twin Arch Road  
Rock Tavern, NY 12575

55-1-3  
Louise L. Schumacher  
2173 Little Britain Rd.  
Rock Tavern, NY 12575

55-1-18.2  
Carl J. & Mary Di Donato  
673 Twin Arch Road  
Rock Tavern, NY 12575

55-1-4 & 55-1-5.1  
John J. & Sandra V. Ryan  
2 East Green Rd.  
Rock Tavern, NY 12575

55-1-19.214  
Nancy A. Kiernan  
9 Stone Arch Manor Rd.  
Rock Tavern, NY 12575

55-1-5.2  
Michael J. Bracco  
10 West Green Rd.  
Rock Tavern, NY 12575

55-1-75.1  
Richard Ambrosio  
37 East Green Rd.  
Rock Tavern, NY 12575

55-1-6  
Michael A. & Gayle L. Scott  
8 East Green Rd.  
Rock Tavern, NY 12575

55-1-76 & 55-1-80  
Peter R. & Margaret M. Gallagher  
45 East Green Rd.  
Rock Tavern, NY 12575

55-1-7  
Robert J. & Marilyn E. Olsen  
16 East Green Rd.  
Rock Tavern, NY 12575

55-1-77.2  
George P. & Doris E. Petersen  
27 East Green Rd.  
Rock Tavern, NY 12575

55-1-8.1 & 55-1-81  
Consolidated Edison of New York Inc.  
4 Irving Place  
Room 615-S Tax Dept.  
New York, NY 10003

55-1-78  
Robert & Stacey Kernahan  
26 East Green Rd.  
Rock Tavern, NY 12575

55-1-8.2  
Glenn N. Fountain  
11 East Green Rd.  
Rock Tavern, NY 12575

55-1-82  
County of Orange  
255-275 Main Street  
Goshen, NY 10924

55-1-9  
Michael & Jeannine Kenary  
430 E. 20<sup>th</sup> Street, Apt. 2C  
New York, NY 10009

55-1-10  
John & Cynthia R. Latimer  
1 East Green Rd.  
Rock Tavern, NY 12575

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 03-10**

**Request of M & Y BUILDERS**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for :** 62,281 sq. ft minimum lot area  
91 ft. minimum lot width  
11 ft. & 18 ft. required side yard setback  
38 ft. required rear yard setback  
2% Developmental Coverage

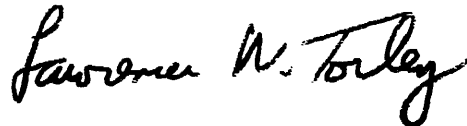
**To remove existing mobile home and construct a 2-story house.**

**being a VARIANCE of Section 48-12 Bulk Tables for R-1 Zone**

**for property located at: 22 EAST GREEN ROAD**

**known and designated as tax map Section 55 Block 1 Lot 77.1**

**PUBLIC HEARING will take place on APRIL 14TH, 2003**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



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**Chairman**

CHECKED BY MYRA: OK 3/11/03  
FW

**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

DATE: 03-11-03 PROJECT NUMBER: ZBA# 03-10 P.B. # \_\_\_\_\_

APPLICANT NAME: M & Y BUILDERS INC.

PERSON TO NOTIFY TO PICK UP LIST:

M & Y BUILDERS, INC. (YAGO)

P.O. BOX 995

MONSEY, NY 10952

TELEPHONE: 646-772-9726

TAX MAP NUMBER: SEC. 55 BLOCK 1 LOT 77.1  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 22 EAST GREET ROAD  
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:

(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XX

❖ ❖

AMOUNT OF DEPOSIT: \$25.00 CHECK NUMBER: 7718

TOTAL CHARGES: \_\_\_\_\_

PRELIMINARY MEETINGS:

M & Y BUILDERS INC. #03-10

MR. TORLEY: Request for 62,281 sq. ft. minimum lot area, 91 ft. minimum lot width, 11 ft. & 18 ft. required side yard setback, 38 ft. required rear yard setback and 2% developmental coverage to remove existing mobile home and construct a two story house on East Green Road in an R-1 zone.

Frank Kobb, Esq. appeared before the board for this proposal.

MR. KOB: Mr. Chairman and members of the board, my name is Frank Kobb, I'm an attorney in Rockland County, my office is at 404 East Route 59, Nanuet, New York.

MR. TORLEY: Before you go any further, for your benefit and for the, any other preliminary members, people for preliminary meetings, by state law, everything the zoning board does has to occur after having a public hearing. We hold these preliminary meetings as a means so that the applicant probably never will do this again in his life has some idea of the kind of questions and information we'll need at a public hearing and vice versa. So that no one is surprised at a public hearing you walk in with the information and hopefully have your ducks in a row. So the purpose is just that so we can understand what your problem is, what relief you're seeking and what we need at the public hearing.

MR. KOB: Thank you, Mr. Chairman. I'm from Rockland County, but I have the privilege of coming up to Orange County a lot now, most of our land is gone down in Rockland so we'll be up here a lot. So it's my privilege to appear before you and I will be appearing before planning boards and other places in the county. This particular piece of property was purchased with an existing trailer. When the trailer was built, the zoning on this particular lot was less than it is now and the trailer received both the building permit and Certificate of Occupancy. Since that time, the lot was established as a separate lot, it's a very small lot

considering that you have two acre zoning now so that the zoning changed after the property was created and so we're stuck with or in a sense we have an existing lot which if we had to conform with the existing now, existing requirements, no house could really be built because if you look just at the side yard, the totals on each, our lot isn't wide enough to put anything on. So even though it looks like a substantial number of variances, the variances really are necessary because of the lot that we have. We cannot make the lot any bigger because there's nobody next door that we can buy land from, so we can't create a bigger lot. We have to use what we have. The house that we plan to build it's not the same size but it's substantially the same size as the trailer and substantially the same size of the trailer not in the same location so the variances that are requested really are primarily created because of the lot that we have to put the house on. So that even though it looks like on its face that we're asking for substantial variances, the variances really are not substantial considering the size of lot because when you have a two acre zoning, obviously, the requirements are geared towards a lot that's going to have two acres and there's no way that we can get anywhere near the requirements. Obviously, we have a smaller lot, we have smaller frontage, we have less, everything is less, not everything but almost everything is less than what's anticipated when you consider that a zoning ordinance now is geared towards a lot that would be a two acre lot. So I think that if, rather than go through the normal requirements, I think that the basic requirement for this type of a bulk variance is that there will not be a substantial impact on the neighborhood. We will be removing the trailer, building a house, we're not going to create any substantial impact. I think the benefit to the applicant far outweighs any possible detriment in any way to the neighborhood. So that in general is what we're looking for. If there's any specific questions, I'm here, my client is here, the engineer is here.

MR. KANE: For the public hearing, could you provide us with some details on the actual size of the house that's going to go up compared to the size of the trailer that's there existing now? If I heard

correctly, you said you're going to use basically the same footprint approximately?

MR. KOBBS: Approximately.

MR. KANE: If you can bring those figures in, that would be very helpful.

MR. TORLEY: Yeah, as part of that, you said you're putting a two story house typically called a bi-level type house?

MR. KOBBS: I think some of the questions we might be able to answer tonight.

MR. TORLEY: No, the reason I'm bringing this up is it has been our sad experience in the past where some applicants that they have put up what's called a bi-level regardless of whether or not they need a zoning variance, the bi-level has the upper level with sliding glass doors and the back of the house is on the back of the permissible line. So in order to put in an obviously required deck, the purchaser has to come back and try to get a variance. We want to establish that's not what you're doing.

MR. KANE: We'd prefer to do it all at once.

MR. KOBBS: I think that's a legitimate attitude because if we do come to you and are successful in obtaining a variance, I think it will not be very good practice to anticipate that we're going to come back for another variance, so certainly that's something I think whatever variances we ask for are going to be the variances.

MR. KANE: Appreciate that.

MR. TORLEY: As you said, some idea of the plot of the house.

MR. KANE: And the total square footage, if you could.

MR. KOBBS: We're going to have plans so--

March 10, 2003

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MR. TORLEY: Gentlemen, do you have any other questions at this time?

MR. PIERRE: My name is Nelson Pierre, I'm the engineer.

MR. TORLEY: We don't need to see you yet because the purpose of this preliminary meeting is to get you to know what we're going to ask at the public hearing.

MR. KANE: Do you have the plans with you?

MR. PIERRE: I sent a copy of them.

MR. KANE: At the public hearing we'll take a copy.

MR. REIS: Accept a motion?

MR. TORLEY: Yes, sir.

MR. REIS: Make a motion that we set up M & Y Builders Inc. for the requested variances at East Green Road.

MR. KANE: Second the motion.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KOB: May I ask one question? You'll be setting it at a later date?

MR. TORLEY: Depends when you get your information back and advertising.

MR. KOB: I understand, check with the clerk.

MS. MASON: If you can just call me tomorrow, I'll explain everything to you.

MR. KOB: You've been very helpful up until now, thank you very much.





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

April 9, 2003

M & Y Builders  
P.O. Box 995  
Monsey, NY 10952

Attn: Yago

SUBJECT: PUBLIC HEARING

Dear Sir:

This is just a reminder that your Public Hearing before the Zoning Board of Appeals for your requested variance at:

22 East Green Road  
New Windsor, NY

is scheduled for the April 14th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Myra Mason". The signature is written in black ink and is positioned above a horizontal line.

Myra Mason, Secretary  
Zoning Board of Appeals

**TOWN OF NEW WINDSOR  
PLANNING BOARD AND/OR ZONING BOARD**

**RECEIPT OF MONEY RECEIVED:**

DATE RECEIVED: 02-25-03

FOR: ZBA 03-10

FROM: M & Y BUILDERS INC.

P.O. BOX 995

MONSEY, NY 10952

CHECK NUMBER: 7717

AMOUNT: \$300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

3/3/03  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#190-2003**

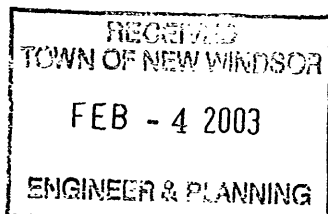
**03/03/2003**

**M & Y Builders Inc.**

**Received \$ 50.00 for Zoning Board Fees, on 03/03/2003. Thank you for  
stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green**  
**Town Clerk**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**



# \_\_\_\_\_ / **February 4**, 2003

Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: ( 646 ) 772-9726  
**M&Y Builders, Inc.** Fax Number: ( 845 ) 425-7347  
(Name) P.O., Box 995, Monsey, New York  
(Address)

II. **Purchaser or Lessee:** Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

III. **Attorney:** Phone Number: ( 845 ) 623-0883  
**Frank J. Kobb, Esq.** Fax Number: ( 845 ) 623-0966  
(Name)  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( 845 ) 566-0788  
Fax Number: ( 845 ) 566-0798  
**Adoni Engineering & Land Surveying, P.C.**  
(Name) 1662 Route 300, Suite 110, Newburg, NY 12550  
(Address)

V. **Property Information:**  
Zone: R-1 Property Address in Question: 22 East Green Road  
Rock Tavern, NY 12575  
Lot Size: 17,719 Tax Map Number: Section 55 Block 1 Lot 77.1  
a. What other zones lie within 500 feet? NONE  
b. Is pending sale or lease subject to ZBA approval of this Application? NO  
c. When was property purchased by present owner? January 28, 2003  
d. Has property been subdivided previously? Unknown If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? NO  
f. Is there any outside storage at the property now or is any proposed? Yes - Existing

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE  
OF SUBMITTAL.**

**03-10**

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE:

Area Variance requested from New Windsor Zoning Local Law,

Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	80,000 sq. ft.	17,719 sq. ft.	62,281 sq. ft.
Min. Lot Width	175'	84'	91'
Reqd. Front Yd.	45'	112'	None
Reqd. Side Yd.	40'/80'	29'/62'	11'/18'
Reqd. Rear Yd.	50'	12'	38'
Reqd. St Front*	70'	84'	None
Max. Bldg. Hgt.	35'	Less than 35'	NONE
Min. Floor Area*	1,200 sq. ft.	More than 1,200 sq. ft.	NONE
Dev. Coverage*	20%	22%	22%
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

03-10

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

SEE NARRATIVE SUMMARY ATTACHED

***PLEASE NOTE:***

***THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.***

**03-10**

## NARRATIVE SUMMARY

This is an application to permit the construction of a single family dwelling which will require certain bulk variances. The applicant has just purchased the property which is improved by an existing conforming single family trailer on the subject lot. The applicant proposes to remove the existing trailer and construct a single family dwelling which will modify the footprint of the trailer.

The bulk requirements for the subject property have been made more restrictive since the trailer was approved. Therefore, it is respectfully submitted that since the proposed dwelling will maintain a single family occupancy, the character of neighborhood shall not be adversely affected if the variances are granted. In fact, the character of the neighborhood will actually be enhanced by the new home.

Under the current bulk requirements any proposed construction on the subject lot would require variances. Therefore, there is no alternative for the applicant to pursue that would eliminate the necessity for area variances.

Although, on its face, the variances applied for herein seem substantial, the commentaries have stated that when examining this factor, a Zoning Board should not look at the numbers in a vacuum. Rather, the variances applied for should be examined with the general characteristics of the neighborhood taken into account. Again, the within application, if granted, would result in a structure which modifies the footprint of the trailer.

Pursuant to SEQRA, an application for only area variances is deemed a non-adverse action. Therefore, by definition, this application will not have an adverse effect upon the surrounding area. The applicant shall comply with Building Department regulations concerning mitigation of any possible detriment to the area during the course of construction.

Due to the fact that the subject lot exists, and has existed prior to the more restrictive bulk requirements, it is respectfully submitted that the variances requested for herein are not the result of any self-created hardship of the applicant.

It is respectfully submitted that the benefit to the applicant if the application is granted outweighs any possible detriment to the health, safety and welfare of the neighborhood; and as such, the application should be granted in the interests of justice.

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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### XIII. ATTACHMENTS REQUIRED:

- ☐ ~~Copy of referral from Building /Zoning Inspector or Planning Board.~~
- ☐ ~~Copy of tax map showing adjacent properties.~~
- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ ~~Copies of signs with dimensions and location.~~
- ☒ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00, (escrow)
- ☒ One in the amount of \$ 50.00, (application fee)
- ☒ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles.

**February 4, 2003**

Date:

#### XIV. AFFIDAVIT.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

**Affirmed**

~~Signed~~ to before me this 4th day of  
February, 2003

  
(Applicant Signature)

**Yaakov Schmidt**

(Please Print Name)

**PLEASE NOTE:**

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**Frank J. Robb**  
**Notary Public, State of New York**  
**No. 02K07319680**  
**Appointed for Rockland County**  
**Commission Expires January, 31, 2005**

03-10



